

TOWN BOARD

The Town Board, Town of Highlands, held a workshop on Monday, April 25 2011 at Town Hall, 254 Main St, Highland Falls, NY 10928 at 7:30pm.

PRESENT:	Edward Magryta	----	Supervisor
	Holly Gokey	----	Council Member
	William Edsall	----	Council Member
	Laurie R. Tautel	----	Council Member
	Mervin R. Livsey, Jr.	----	Council Member
	Justin Rider	----	Counsel
	June Patterson	----	Town Clerk

Supervisor Magryta opened the workshop at 7:35pm.

PUBLIC COMMENT

Laura Milsom said that she formerly requested that the Village Board put dissolution on the ballot and they refused.

Supervisor Magryta said that information about consolidation is available from the State.

Patricia Riedel asked about the requested money for the Garden Club.

Supervisor Magryta said there is \$5,000 to distribute between the Garden Club and Vision and the total requested is \$6,000. The Supervisor said the Board must decide if they want to take the additional \$1,000 from the Parkland Reserve Fund.

Council Member Edsall made a motion seconded by Council Member Gokey to allocate \$1,000 from the Parkland Reserve Fund for the Garden Club.

MOTION CARRIED: 5-ayes (Magryta, Gokey, Edsall, Livsey, Tautel)
0-nays

Council Member Tautel made a motion seconded by Council Member Livsey to appropriate \$1,500 to the Garden Club.

MOTION CARRIED: 5-ayes (Magryta, Gokey, Edsall, Livsey, Tautel)
0-nays

Council Member Tautel made a motion seconded by Council Member Livsey to appropriate \$3,500 to Vision to continue work on the Patriot Garden.

MOTION CARRIED: 5-ayes (Magryta, Gokey, Edsall, Livsey, Tautel)
0-nays

TOWN REVALUATION INFORMATION SESSION

Supervisor Magryta commended Assessor Talman and her office for the work that is being done.

Assessor Talman introduced Donna Stebbins and Bob Boatwright from Appraisal Consultants.

Ms. Stebbins said that the first part of the project, the field review, is moving right along.

Supervisor Magryta asked how Ms. Stebbins would rate the process so far.

Ms. Stebbins said that the public awareness is better than she has ever seen. Ms. Stebbins explained that after the first part is completed, mailers will be sent out to property owners so they can verify/change the information that was collected. After the mailers are returned, the next step is for evaluation and field review. And finally, notices of any changes will be sent to the property owners. Ms. Stebbins said that there will be an informational meeting held for the residents.

Mr. Boatwright said that before the impact notices go out, a meeting will be held to answer any questions the residents may have.

ENERGY AUDIT PROPOSAL – McGOEY/HAUSER

Bill Hauser has presented the Board with two proposals for an energy audit. Mr. Hauser explained that the first one is for the Town Hall only and the second includes the Town Hall, Highway Garage and EMS Building.

Supervisor Magryta said that this is important and he would like the Board to review the documents and get together.

Council Member Edsall said he is ready to make a motion with a cap.

Supervisor Magryta would like to review the information and work with other departments. The Supervisor said that a decision can be made at the next scheduled meeting.

INTERMUNICIPAL AGREEMENT – SCHOOL SPORTS FIELDS/RESOLUTION WITH COUNTY ON DIAL-A-BUS

Agreement with School:

Supervisor Magryta said that a couple of things on the agreement with the school needed to be amended and that was taken care of.

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Justin Rider said that he has reviewed the changes that were made.

Council Member Tautel made a motion seconded by Council Member Livsey to adopt the resolution authorizing execution of an agreement between the Town of Highlands and the Highland Falls – Fort Montgomery Central School District for use of school fields.

**RESOLUTION ADOPTED: 5-ayes (Magryta, Gokey, Edsall, Livsey, Tautel)
0-nays**

****** RESOLUTION ATTACHED ******

Dial-A-Bus Contract:

Supervisor Magryta said that a resolution needs to be adopted to enter into an agreement with the County for the Dial-A-Bus. The Supervisor said that this is a repeat of previous years' contracts.

Council Member Tautel made a motion seconded by Council Member Livsey to adopt the resolution regarding the New York Statewide Mass Transportation Operating Assistance Program with regards to Dial-A-Bus.

**RESOLUTION ADOPTED: 5-ayes (Magryta, Gokey, Edsall, Livsey, Tautel)
0-nays**

****** RESOLUTION ATTACHED ******

EXECUTIVE SESSION RULES – TOWN LAW STANDARDS REVIEW

Supervisor Magryta read the eight reasons that allow the Board to go into an executive session. The Supervisor asked Mr. Rider to inform the Board if a subject comes up that is not executive session material.

Council Member Tautel said that there is no agenda for this executive session.

Supervisor Magryta said that it is the same agenda that has been used.

Council Member Edsall would like to know, more specifically, what will be discussed.

BUILDING DEPARTMENT – PROPERTY MAINTENANCE ON TAX 11-1-7

Supervisor Magryta said that the Board has a resolution for unsafe building procedure. The Supervisor said that the Board has discussed this previously and he would like to move on it.

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Council Member Tautel said this has been an ongoing issue for over a year.

Council Member Livsey made a motion seconded by Council Member Edsall to adopt the resolution authorizing Unsafe Building Procedures Pursuant to Chapter 88 entitled "Buildings, Unsafe" of the code of the Town of Highlands.

**RESOLUTION ADOPTED: 5-ayes (Magryta, Gokey, Edsall, Livsey, Tautel)
0-nays**

****** RESOLUTION ATTACHED ******

SPECIAL MEETING

Supervisor Magryta scheduled a special meeting on Monday, May 2, 2011, at 7:30pm to discuss agenda items #8-10.

PUBLIC COMMENT

James DiSalvo said that the discussion on consolidation does not need to wait until a meeting. He said that e-mail would be ok.

EXECUTIVE SESSION

Council Member Gokey made a motion seconded by Council Member Edsall to go into executive session to discuss: 1) proposed, pending or current litigation; 2) the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation; and (3) matters relating to collective negotiations under the Taylor Law. Board went into executive session at 10:10pm.

**MOTION CARRIED: 5-ayes (Magryta, Gokey, Edsall, Tautel, Livsey)
0-nays**

Council Member Livsey made a motion seconded by Council Member Tautel to close the executive session. Executive session closed at 10:45pm.

**MOTION CARRIED: 5-ayes (Magryta, Gokey, Edsall, Tautel, Livsey)
0-nays**

Council Member Tautel made a motion seconded by Council Member Edsall to adjourn the workshop. Workshop adjourned at 10:46pm.

**MOTION CARRIED: 5-ayes (Magryta, Gokey, Edsall, Tautel, Livsey)
0-nays**

RESOLUTION

OF

APRIL 25, 2011

A RESOLUTION OF THE
THE TOWN OF HIGHLANDS TO
AUTHORIZE EXECUTION OF AN AGREEMENT
BETWEEN THE TOWN OF HIGHLANDS
AND THE HIGHLAND FALLS - FORT MONTGOMERY
CENTRAL SCHOOL DISTRICT FOR USE OF SCHOOL FIELDS

Council Member **Tautel** moved the following resolution which was seconded by Council Member **Livsey**.

WHEREAS, the Highland Falls-Fort Montgomery Central School District (“HFFM”) has proposed an Inter-Municipal Agreement (the “Agreement”) with the Town of Highlands the purpose of which is to allow the Town of Highlands use of School Facilities;

WHEREAS, the Town Board has reviewed the terms and conditions of the Agreement and deems it to be in the public interest for the Town of Highlands to enter into the Agreement in substantially the form annexed hereto as Exhibit “A”; and

WHEREAS, the entering of such an agreement is a local legislative decision in connection with continuing agency administration and management, and does not include new programs or major reordering of priorities that may affect the environment, and accordingly is a Type II Action under the State Environmental Quality Review Act.

NOW, THEREFORE, BE IT RESOLVED; that the Supervisor be and he hereby is authorized and directed to execute the Agreement; and

BE IT FURTHER RESOLVED, that the Supervisor and officers of the Town are hereby authorized and empowered to make, execute and deliver, or cause to be made, executed and delivered, in the name of and on behalf of the Town, all such certificates, documents and papers as may be necessary to effectuate and carry out the contents of the foregoing resolutions and the terms and conditions of the Agreement; and

BE IT FURTHER RESOLVED that the aforesaid resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

Mervin R. Livsey, Jr., Councilman voting **Aye**

Laurie R. Tautel, Councilwoman voting **Aye**

Holly Gokey, Councilwoman voting **Aye**

William W. Edsall, Councilman voting **Aye**

Edward Magryta, Supervisor voting **Aye**

**RESOLUTION
OF
APRIL 25, 2011**

**A RESOLUTION REGARDING THE
NEW YORK STATEWIDE MASS TRANSPORTATION
OPERATING ASSISTANCE PROGRAM**

Council Member **Tautel** presented the following resolution which was seconded by Council Member **Livsey**.

WHEREAS, the County of Orange has determined there is a real need to provide affordable transportation to the residents of the County that live in rural areas; and

WHEREAS, the County of Orange has determined that a joint effort with the local municipality is the most proficient way to provide such services to the residents; and

WHEREAS, the Town of Highlands is in agreement with the County of Orange findings for the need and administration of such services; and

WHEREAS, it is required by the County of Orange that the Town Board approve the 2011 Bus Operator Agreement its form and manner of execution.

NOW, THEREFORE BE IT RESOLVED, that we, the Town Board of the Town of Highlands approve the document entitled "Bus Operator Agreement" as to its form and manner of execution and authorizes the Supervisor to sign the agreement.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Holly Gokey, Council Member	voting Aye
William Edsall, Council Member	voting Aye
Laurie R. Tautel, Council Member	voting Aye
Mervin R. Livsey, Jr., Council Member	voting Aye
Edward Magryta, Supervisor	voting Aye

The following constitutes a true and complete copy of a resolution duly made, seconded and adopted at a regular meeting of the Town Board, Town of Highlands on April 25, 2011.

June Patterson, Town Clerk

RESOLUTION

OF

APRIL 25, 2011

A RESOLUTION AUTHORIZING
UNSAFE BUILDING PROCEDURE
PURSUANT TO CHAPTER 88
ENTITLED "BUILDINGS, UNSAFE"
OF THE CODE TOWN OF HIGHLANDS

Council Member **Livsey** moved the following resolution which was seconded by Council Member **Edsall**.

WHEREAS, the Building Inspector of the Town, John Hager has performed an inspection of the premises located at 28 Hemlock Street, designated on the Tax Map of the Town of Highlands as Section 11, Block 1, Lot 7; and

WHEREAS, based on the inspection, the Building Inspector has recommended that the Town Board declare the premises unsafe and that the Town Board provide notice to the property owner requiring that same be made safe and secure or removed; and

WHEREAS, the Town Board agrees with the recommendation of the Building Inspector and shall institute proceedings in accordance with Chapter 88 of the Town Code to have the premises declared unsafe.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Highlands Town Board hereby authorizes the institution of an unsafe building procedure in accordance with Chapter 88 of the Code of Highlands; and

BE IT FURTHER RESOLVED, that in accordance with Section 88-5 of the Town Code, the Town Board shall notify the record owner of Section 11, Block 1, Lot 7 by a notice containing the following:

- A. A description of the premises.
- B. A statement of the particulars in which the building or structure is unsafe or dangerous.
- C. An order requiring the same to be made safe and secure or removed.
- D. That the securing or removal of said buildings or structures shall commence within 30 days of the serving of the notice and shall be completed within 60 days thereafter.
- E. That in the event of neglect or refusal of the persons and/or corporations served with the notice to comply with the same, a survey of the premises will be made by an inspector and architect to be named by the Town Board, and a practical builder, engineer or architect appointed by said persons or corporations so notified.
- F. That in the event of the refusal or neglect of the persons or corporations so notified to appoint a surveyor the two surveyors named by the Town Board shall make the survey and report.

- G. That in the event buildings or other structures shall be reported unsafe or dangerous under such survey, an application will be at a Special Term of the Supreme Court in the Judicial District in which the property is located, for an order determining the building or other structure to be a public nuisance and directing that it shall be repaired and secured or taken down and removed.
- H. That the land on which said buildings or structures are located will be assessed for all costs and expense incurred by the town in connection with the proceedings to remove or secure, including a 10% surcharge of the cost of actually removing said building or structure.

BE IT FURTHER RESOLVED, that in accordance with Section 88-6 of the Town Code, the above referenced notice shall be served in the following manner:

- A. By personal service of a copy thereof upon the owner or some one of the owners, executors, legal representatives, agents, lessees, or any other person having a vested or continued interest in the premises as shown by the last preceding completed assessment role of said town; or if no such person can be reasonably found, by mailing such notice owner by registered mail a copy of such notice directed to his last known address; and
- B. By personal service of a copy of such notice upon any adult person residing in or occupying said premises, or if no such person can be reasonably found, by securely affixing a copy of such notice upon the building or structure.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

Mervin R. Livsey, Jr., Councilman voting **Aye**
Laurie R. Tautel, Councilwoman voting **Aye**
Holly Gokey, Councilwoman voting **Aye**
William W. Edsall, Councilman voting **Aye**
Edward Magryta, Supervisor voting **Aye**

The foregoing constitutes a true and complete copy of a resolution duly made, seconded and adopted at a meeting of the Town Board, Town of Highlands, on April 25, 2011.

June Patterson, Town Clerk

